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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,478	01/04/2002	Joseph R. Lanser		1321

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JOSEPH R. LANSER
SEYFARTH SHAW
55 EAST MONROE STREET
SUITE 4200
CHICAGO, IL 60603

EXAMINER	
SRIVASTAVA, VIVEK	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/683,478	LANSER, JOSEPH R.	
	Examiner	Art Unit	
	Vivek Srivastava	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 January 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) *9-21* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 3/5/02
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Claims 9 - 21 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/6/05.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 3 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Son et al (US 2003/0035647).

Regarding claim 1, Son discloses a reserved program record setting method and apparatus for a program preview. Son discloses providing program information including previews and codes for future programming (see para [0041]). Son further discloses providing KBPS codes or program reserving codes identifying the future program which can be recorded (see para [0026]). It is noted that Son discloses

broadcasting the EPG data with future programming previews and codes simultaneously (see para [0026]).

Regarding claims 2 and 3, Son discloses the KBPS reserving codes which containing timing information and channel information for the preview of the future program (see para[0026]).

Regarding claim 7, Son discloses a KBPS decoder 14 (see fig. 3) for decoding the KBPS data and thus discloses inherently discloses an encoder for encoding the data.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son et al (US 2003/0035647).

Regarding claim 4, Son fails to disclose the claimed wherein the identifying code contains summary information for said future television program. Official Notice is taken that providing identifying information in the form of a summary of program is well known to provide viewer with a text summary preview of a program. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was

made to modify Son to include the claimed limitation to provide the viewer with a quick text summary preview of the program.

Regarding claim 8, Son discloses broadcasting the identifying code simultaneously with the future programming preview but fails to disclose embedding the identifying code within said future programming preview. Official Notice is taken it would have been well known to embed additional program information within a program to ensure simultaneous display of the additional information with the program. Therefore, it would have been obvious to modify Son to include the claimed limitation to ensure simultaneous display of a additional information with a program while providing a more efficient means for transmitting information.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son et al (US 2003/0035647) in view of Zigmond et al (US 6,571,292).

Regarding claims 5 and 6, Son fails to disclose wherein said identifying code is unique URL or a unique URI. In analogous art, Zigmond also teaches a method or system for augmenting a program by utilizing a URI or URL for retrieving a web page to display web page information with the program (see col 3 lines 28 – 39, col 3 lines 56 – 64). Zigmond further discloses if the URI is received but for some reason the associated information is missing, the URI is used to retrieve the missing information from the Internet (see col 3 lines 40 – 45). It would have been obvious utilizing a URI or URL would have enabled retrieving the associated information in case some of the additional information was not received or is missing. Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to modify Son to include the claimed limitation to enable retrieval of additional information in case the additional information was not received or is missing.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamane et al (US 6,523,176) – Reservation Processing Apparatus and Method

Lawler et al (5,699,107) – Program reminder system

Betz et al (US 2003/0126605) – Displaying EPG Video-clip previews on Demand

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs
5/23/05

VIVEK SRIVASTAVA
PRIMARY EXAMINER